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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,580	11/16/2001	Dean K. Cluff	ITL.0692US (P13223)	8669
Timothy N. Trop TROP, PRUNER & HU, P.C. STE 100 8554 KATY FWY Houston, TX 77024-1805			EXAMINER PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 01/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,580

Applicant(s)

CLUFF ET AL.

Examiner

Huy Q Phan

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: Sep. 24, 2004.
Claims 1-22 are still pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmier (US-2003/0078081).

Regarding claim 1, Schmier discloses in figure 1, a communications device (10) comprising: a processor (12); and a storage (28) coupled to said processor, said storage storing instructions that enable the processor to record ambient sounds ([0020]-[0024]), map a recorded ambient sound to one of a caller identification ring, primary ring

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or memo function ([0020]-[0024]), and to play back one of the recorded ambient sounds when a incoming call is being received ([0020]-[0024]).

Regarding claim 2, Schmier discloses a device as recited in the rejection of claim 1, wherein said device is a cellular telephone (fig. 1, cell phone 10).

Regarding claim 3, Schmier discloses a device as recited in the rejection of claim 1, including a speaker (fig. 1, speaker 26) and a microphone [0020] coupled to said processor.

Regarding claim 4, Schmier discloses a device as recited in the rejection of claim 1, including caller identification to identify incoming callers [0022].

Regarding claim 5, Schmier discloses a device as recited in the rejection of claim 4, wherein said storage stores instructions that enable the processor to match a caller identification to a recorded sound ([0020]-[0024]) and to automatically play back the recorded sound when a given caller calls ([0020]-[0024]).

Regarding claim 6, Schmier discloses a device as recited in the rejection of claim 1, wherein said storage stores instructions to automatically playback a stored sound enabling the user to indicate whether or not the storage stored sound is acceptable (inherently to "recording one or preferably a variety of selectable messages into the cell

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phone" see [0022]).

Regarding claim 7, Schmier discloses a method comprising:

enabling a user to record a sound to be played back when a call is received

([0020]-[0024]);

map a recorded ambient sound to one of a caller identification ring, primary ring or memo function ([0020]-[0024]); and

automatically playing back the appropriate sound when a call is received ([0020]-[0024]).

Regarding claim 8, Schmier discloses a method as recited in the rejection of claim 7, including automatically playing back the recorded sound mapped to a caller identification ring when a call from a particular caller is received ([0020]-[0024]).

Regarding claim 9, Schmier discloses a method as recited in the rejection of claim 7, including automatically playing back a sound after a sound is recorded ([0020]-[0024]) and enabling the user to indicate whether or not the sound is acceptable (inherently to "recording one or preferably a variety of selectable messages into the cell phone" see [0022]).

Regarding claim 10, Schmier discloses a method as recited in the rejection of claim 7, including enabling the user to record a user supplied sound (inherently to

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“recording one or preferably a variety of selectable messages into the cell phone” see [0022]).

Regarding claim 11, Schmier discloses a method as recited in the rejection of claim 10, including enabling a user to record the verbalization of the user's name [0021].

Regarding claim 12, Schmier discloses a method as recited in the rejection of claim 7, including enabling the user to record a unique distinctive sound to be played back when a call is received [0024].

Regarding claim 13, Schmier discloses in figure 1, an article comprising a medium storing instructions (12 and 28) that enable a processor-based system (12) to:
record ambient sounds ([0020]-[0024]);

associate a particular ambient sound with one of a caller identification, primary ring or memo function ([0020]-[0024]); and

determine when an incoming call is being received and automatically play back said ambient sounds when an incoming call is being received ([0020]-[0024]).

Regarding claim 14, Schmier discloses an article as recited in the rejection of claim 13, further storing instructions that enable a processor-based system (12 and 28) determine when a caller identification is received and automatically play back the sound associate with the caller identification ([0020]-[0024]).

Regarding claim 15, Schmier discloses an article as recited in the rejection of claim 13, further storing instructions that enable the processor-based system to record a sound ([0020]-[0024]), automatically play back the sound, and determine whether the user approves the sound (inherently to "recording one or preferably a variety of selectable messages into the cell phone" see [0022]).

Regarding claim 16, Schmier discloses in figure 1, a cellular telephone (10) comprising:

- a baseband chipset (12);
- a radio frequency chipset (14 and 12) coupled to said baseband chipset; and
- a memory storing instructions (28) that enable the baseband chipset to record ambient sounds [0020], map a recorded ambient sound to one of a primary ring, memo function or caller identification ([0020]-[0024]), and to play back one of the recorded ambient sounds when an incoming call is being received through said radio frequency chipset ([0020]-[0024]).

Regarding claim 17, Schmier discloses a cellular telephone as recited in the rejection of claim 16, including a speaker (26) and a microphone [0020] coupled to said baseband chipset.

Regarding claim 18, Schmier discloses a cellular telephone as recited in the

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rejection of claim 16, including caller identification to identify incoming callers [0022].

Regarding claim 19, Schmier discloses a cellular telephone as recited in the rejection of claim 18, wherein said storage stores instructions that enable the baseband chipset to match a caller identification to a recorded sound and to automatically play back the recorded sound when a given caller calls ([0020]-[0024]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmier in view of Cho et al. (US-2003/0032415).

Regarding claims 20, 21 and 22, Schmier discloses all the limitations as recited in the previous rejections of claims 1, 7 and 13, respectively. But, Schmier fails to expressly teach wherein said storage stores instructions that enable the processor to determine if caller identification is utilized, and if not automatically play back the recorded sound mapped to the primary ring. However in analogous art, Cho et al. teach wherein the storage (fig. 1, memory 30) stores instructions that enable the processor (fig. 1, processor 50) to determine if caller identification is utilized [0017], and if not automatically play back the recorded sound ("voice clips" [0015]) mapped to the primary

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ring [0022]. Since, Schmier and Cho et al. are related to the method for call announcement of the cell phone; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Schmier as taught by Cho et al. for purpose of indicating advantageously the default ring that the cell phone is receiving the private call.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

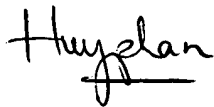
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.



SONNY TRINH
PRIMARY EXAMINER

AU: 2687

Date: Jan. 06, 2005